

**SEEKONK ZONING BOARD
PUBLIC HEARING AND WORK SESSION
MINUTES
September 13, 2021**

ZONING BOARD MEMBERS PRESENT: Ch. K. Rondeau, Vice Chair G. Sagar, S. Halajko, D. Robillard and R. Read

C. Beau Akers, Esquire of Brainsky Levinson, LLC, 1543 Fall River Avenue, Suite 1, Seekonk

Halim A. Choubah, Engineer of Choubah Engineering Group, P.C., 112 State Road, North Dartmouth

Herman Peralta, Project Manager of BETA Group, 701 George Washington Highway, Lincoln

Firas Tayeh of Tayeh Realty, LLC, 155 Fall River Avenue, Seekonk

David Bray, Engineer and President of Caputo and Wick, 1150 Pawtucket Avenue, Rumford, RI

Chairman Rondeau opened the hearing at 7:00 PM.

PUBLIC HEARING:

2021-07 RI Seekonk Holdings LLC, 44 Davis Street, Seekonk MA owner and **RI Seekonk Holdings LLC, Trustee of the Greenbrier Village II Primary Condominium Trust**, P.O. Box 6684, Providence RI 02940 petitioner requesting a **Comprehensive Permit** pursuant to Massachusetts General Law Chapter 40B, and the Town of Seekonk, MA Zoning Board of Appeals Comprehensive Permit Regulations to allow for the construction of (7) seven buildings with a total of (240) two hundred forty multi-family residential units, which will include (60) affordable units, to be located at 800 Fall River Avenue., Plat 8, Lot 3 in a R-3 Zoning District containing 16.687 acres +/-.

For continuance purposes only

S. Halajko made a motion to continue this hearing to October 25, 2021 at Seekonk Town Hall, seconded by D. Robillard

VOTE: 4-0-1 (G. Sagar abstained)

2021-13 and 2021-14 Adriano Andrade, 12 Judy Ann Drive, Seekonk, MA 02771 owner and petitioner requesting a **Special Permit** under Section 4.3, 4.3.1, 4.3.1.1 and 4.3.2 and two **Variances** under Section 5.1.4 of the Seekonk Zoning By-law one to reduce the side setback to 10' and one to reduce the front setback to 25' in order to construct a garage to the home located

at 12 Judy Ann Drive, Plat 4, Lot 197 in a R-1 Zoning District containing .24 acres +/-.
CONTINUED FROM AUGUST 2, 2021 AND SEPTEMBER 13, 2021

The applicant asked for a continuance to October 4, 2021.

G. Sagar made a motion to grant the continuance to October 4, 2021, seconded by D. Robillard.

VOTE: 5-0-0

2021-05 Tayeh Realty LLC, 155 Fall River Avenue owner and petitioner requesting a **Special Permit** under Section 4.2.4 Business and Commercial Uses and 4.2.1 (11a) Gas or fueling station, to allow for the construction and operation of a gas station/convenience store located at 113-111 Taunton Avenue and 155 Fall River Avenue., Plat 12, Lots 266 & 269 in a Local Business District containing 16,522 sf +/- **CONTINUED FROM MAY 3, 2021, JUNE 14, 2021 AND JULY 19, 2021**

B. Akers provided the Board with an overview of the application.

H. Peralta presented the Traffic Study by BETA Group to the Board. He also talked about the Peer Review comments made by McMahon Associates. He cited the tasks that were needed to complete the traffic study as:

- Inventory of the physical roadway characteristics of both Taunton Avenue (Route 44) and Fall River Avenue (Route 114A) as it relates to safety and operations
- Collected manual turn-of-movement counts of Taunton Avenue and Fall River Avenue
- Obtained traffic data from Mass DOT for both servicing roadways
- Obtained crash data information from Mass DOT to determine if there were any safety issues within the project area as it relates to the frequency or pattern of crashes
- Estimated the volume that will be generated by the proposed gas station/convenience store using the ITE (Institute of Transportation Engineers) Trip Manual
- Reviewed the site plan as it relates to access and circulation
- Evaluated the existing and future conditions resulting from the commercial development

A brief description of the proposed site area was given.

He stated that the traffic data was completed in June of 2021. The traffic data was reviewed from Mass DOT for any potential variation in traffic on both roadways. It was determined that the June, 2021 turn-of-movement count for the morning counts were slightly lower and the afternoon peak hours were the same as compared to record traffic data. However, to be conservative in their analysis they increased the traffic volumes by 10%. In addition, for future volume estimates they used an annual growth rate of 1% even though the communities (and surrounding communities) have seen less than 1% growth rate.

The redevelopment project proposes to improve the existing access on both roadways. The proposed access on Taunton Avenue will reduce the width from 100' to about 24'. Also, on Fall River Avenue the access will be reduced from 50' to 28' in width.

Sidewalks will be installed at the property frontage to provide pedestrian access.

The access on Taunton Avenue will be a right turn in/out only as recommended as part of their study to enhance safety along Taunton Avenue.

The geometry of both roadways was investigated for safety and operations. The stopping site distances and intersection site distances of both side driveways were determined to be within what is required. It was determined that there are not any safety deficiencies within the project area.

A crash data review was completed using Mass DOT data over a 3-year period to determine if there are any safety concerns. Based upon the crash analysis, there will be restrictions to taking a left out of the Taunton Avenue driveway thus making it a right in/out only.

The recommendations which will be in the current design include:

1. Review the clearance intervals – the yellow and red timing signal – to determine if they require an adjustment
2. Addition of signal backplates – yellow reflector borders for the signal heads – to enhance signal visibility
3. A left turn yield on green sign on each approach to the intersection – to emphasize that people taking a left need to yield to oncoming traffic
4. Addition of intersection lane control signs including supplemental lane control pavement markings on both Fall River Avenue northbound and southbound approaches – to properly guide vehicles into the intersection

The existing and future traffic conditions were studied for operations. When the development is constructed and fully operational, which was projected to be 2024, includes a conservative future traffic growth rate of 1% annually.

Per the Peer Review comments, BETA had contacted the Town to determine the status of future developments in the area that would impact traffic volumes. It was discovered that Tractor Supply is proposed in the former Ann & Hope Plaza; also, a car dealership is proposed east of the site on Taunton Avenue. It was found that these developments would have a minor impact on the future traffic volumes and are accounted for in the annual growth rate of 1%.

Based upon the data that was collected, the future conditions resulting from the proposed gas station/convenience store will provide for adequate and safe access to a public street.

It was brought up that the morning and afternoon peak period traffic data that was collected was adjusted by 10%.

D. Robillard asked if the red light at the intersection would be sequential. H. Peralta replied that the proposed improvements are under design with Mass DOT and will include timing, adding left-turn lanes (possibly) and replacing the signal to denote a left-turn.

G. Sagar asked if the schedule for this is known. H. Peralta was unsure; it could be a couple of years depending on funding for the Transportation Improvement Program that Mass DOT works on.

Ch. Rondeau asked if there would be lane control markers in the pavement. H. Peralta replied there would be along with new pavement at the intersection along Rte. 44. There would also be new pavement markings, signal reconstruction, and possibly left-turn lanes (this will be based on traffic counts).

Ch. Rondeau stated that the project requires a highway access permit through Mass DOT. He asked if that permit has been granted yet. Atty. Akers responded that the goal was to go to the ZBA first to establish precedence before going to any other Board/entity in Seekonk. He stated if the Board votes to approve this application, then they would go to Mass Highway to obtain a permit.

G. Sagar would like to include a condition that the traffic studies by BETA and the Peer Review be incorporated and included in a site plan approval by the Planning Board. He believes it would be easier to get finalized before going to the state for permits. He clarified that the applicant would need site plan approval before going to the state. Atty. Akers agreed with this.

Ch. Rondeau asked if there were any questions from the audience regarding the traffic study. Also, if there was anyone who would like to speak in favor of or opposed to the project. There were none.

H. Choubah spoke about the concerns the Board had regarding venting and access from side streets. He stated the tanks would be double-wall fiberglass tanks in compliance with all local, state and federal regulations. As far as venting, there will be no odor from gasoline on site. A generator is proposed to monitor the fuel system 24-hours a day in case of power loss.

Arborvitaes and fencing will be added as a buffer for the neighbors.

Access from Ipswich Street has been eliminated.

There will be cut-off lighting at the property line. There will be no spillage on adjacent properties or streets from the lighting.

Following this hearing, if the permit is granted, the applicant will be advancing to the site plan review (which will look at the traffic report; finalizing the layout; landscape, lighting, signage and other site components).

Ch. Rondeau asked what the hours of operation will be. F. Tayeh replied 5 a.m. to 11 p.m. with deliveries being between 9 a.m. and 4 p.m.

D. Robillard asked the owner if he would have an issue if a stipulation was made to not allow deliveries before 8 a.m. The owner said that would be fine.

Ch. Rondeau asked if there were anyone in favor or against this petition or had any questions. There were none.

G. Sagar moved to closed the Public Hearing, seconded by D. Robillard.

VOTE: 5-0-0

G. Sagar made a motion to uphold the decision of the Zoning Enforcement Officer, seconded by R. Read.

VOTE: 5-0-0

G. Sagar made a motion to approve the application with the following stipulations:

- **The traffic studies be incorporated into the Site Plan Review by the Planning Board**
- **The underground storage tanks be compliant with the Commonwealth of Massachusetts Regulations under Fire Prevention**
- **24-hour monitoring of the tanks**
- **Hours of operation limited to 5 a.m. to 11 p.m.**
- **No deliveries until 8 a.m. or after 8 p.m.**
- **Arborvitae to be used as a buffer for the surrounding neighborhood**
- **The applicant will provide a screen for the dumpster**

The motion was seconded by R. Read.

VOTE: 5-0-0

2021-17 Medeiros Family Trust, 233 Chestnut Street, Seekonk MA owner and petitioner requesting a **Variance** under Section 5.1.4 of the Town of Seekonk Zoning By-laws to reduce the frontage on Chestnut Street from 150' to 43.4' to allow for the proposed division of lot 36 into lot A and lot B located at 233 Chestnut Street., Plat 10, Lot 36 in a R-3 Zoning District containing 6.648 acres +/- **CONTINUED FROM AUGUST 2, 2021**

David Bray presented the petition for the applicants who were also present. He stated the applicants would like to have a house built on the property for their grandson. The location was chosen due to wetlands on the property. He stated the plans are in front of Conservation which is pending approval upon this petition.

He stated that a parcel of land on Chestnut Street will be sold, but the family retained a portion of that parcel in order to create frontage for the proposed property.

Access to the property will be from the existing driveway on Amaral Drive. It has been established that fire trucks are able to access the property.

He discussed the property owned by the Medeiros Family Trust that is part of the Agricultural Tax Lien through the Assessors' Office. The family would like to leave that part of the property in Chapter Land 61 because that land is used for farming.

He stated that they are not selling the property to their grandson. Paul and Constance Medeiros will remain in their current home while their grandson will be building his own home within Lot A.

Ch. Rondeau stated they are looking to reduce the frontage on Chestnut Street from 100' to 43' with the 43' being Lot A. Lot B will be sold to one of the neighbors.

The remaining 3 lots will stay as part of the farm in Chapter Land.

Lot B frontage is 112.5' which is a 75' reduction of the 150' required in the R-3 Zone. This lot will be just under 50,000 sf.

Ch. Rondeau pointed out that if this petition is approved, Lots A and B could have the correct amount of frontage on Chestnut Street as it stands. Allowing this to happen would enable the Trust to sell Lot B and continue to use Amaral Drive for access.

It was discussed that even if the applicant wanted to access the property via Chestnut Street, they would be unable to access the proposed dwelling because of the wetlands.

There are no paper roads on the property.

G. Sagar stated that this proposal would be preferable to Conservation because the wetland area is not being disturbed.

Ch. Rondeau asked if there were any other questions from the members of the Board.

D. Robillard had a problem with the 43' strip on Chestnut Street being much smaller than what is normally seen. He stated that even the other lot (Lot B) is under 150'. G. Sagar replied that Lot B was reduced via the 6-10 waiver. D. Bray stated that is the maximum the frontage could be reduced. You cannot go any less than 75% of the 150' of frontage. G. Sagar said typically in an R-3 Zone, it should be 40,000 sf. D. Bray replied it is a 37 ½' reduction at the street.

Ch. Rondeau pointed out that what differentiates this and other projects the Board has seen are:

- The crossing of the wetlands from Chestnut Street
- There is already an existing right-of-way through the property that pre-dates zoning

D. Bray stated that he was told by the Building Official to try to maximize frontage on Chestnut Street while leaving a buildable area. The 112 ½' is the minimum that lot needs to be while maximizing what could be given to Lot A.

G. Sagar stated that while this is outside of the norm, given the circumstances it justifies the petition.

D. Bray gave a brief history of the property.

Ch. Rondeau asked if there were anyone in favor or against this petition or had any questions. There were none.

G. Sagar made a motion to close the Public Hearing, seconded by R. Read.

VOTE: 5-0-0

G. Sagar made a motion to uphold the decision of the Zoning Enforcement Officer, seconded by R. Read.

VOTE: 5-0-0

G. Sagar made a motion to approve the petition as submitted with three exigent circumstances since hardship was proved: 1) Conservation land, 2) location of Lot B with soil conditions, 3) existing right-of-way, seconded by S. Halajko.

VOTE: 5-0-0

WORK SESSION:

Approval of minutes: May 3, 2021, June 14, 2021, July 19, 2021, and August 2, 2021.

April 20, 2021, April 26, 2021, and June 21, 2021 were all 40b which will be submitted for approval at the next 40b meeting on October 25, 2021

S. Halajko made a motion to approve the minutes of May 3, 2021, seconded by D. Robillard.

VOTE: 5-0-0

R. Read made a motion to approve the minutes of June 14, 2021, seconded by S. Halajko.

VOTE: 5-0-0

R. Read made a motion to approve the minutes of July 19, 2021, seconded by D. Robillard.

VOTE: 5-0-0

R. Read made a motion to approve the minutes of August 2, 2021, seconded by D. Robillard.

VOTE: 5-0-0

G. Sagar made a motion to adjourn the meeting, seconded by S. Halajko.

The Public Hearing was adjourned at 8:33 P.M.

Respectfully submitted by:
Lori Trenteseaux
Secretary of the Zoning Board of Appeals

*Formally accepted on 11/01/2021
5 in favor, 0 against, abstention*

Full Video available to view on TV9 Seekonk Community Access Television
Link: <http://tv9seekonk.com/>